

1970

c 65 Children's Boarding Homes Act

Ontario

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CHAPTER 65

The Children's Boarding Homes Act

1. In this Act,

Interpre-
tation

- (a) "child" means a boy or girl actually or apparently under sixteen years of age;
- (b) "children's boarding home" means a premises in which five or more children who are not related to one another through a parent, step-parent or grand-parent are lodged, boarded or cared for, but does not include,
 - (i) a foster home or institution supervised or operated by a children's aid society under *The Child Welfare Act*, R.S.O. 1970, c. 64
 - (ii) a private home in which there are foster children who are beneficiaries under *The Family Benefits Act*, R.S.O. 1970, c. 157
 - (iii) a house that is registered under *The Maternity Boarding Houses Act*, R.S.O. 1970, c. 264
 - (iv) a hospital or institution that is in receipt of any provincial aid,
 - (v) a house that is licensed under *The Private Hospitals Act*, R.S.O. 1970, c. 361
 - (vi) a day nursery established and operated under *The Day Nurseries Act*, R.S.O. 1970, c. 104
 - (vii) a charitable institution within the meaning of *The Charitable Institutions Act*; R.S.O. 1970, c. 62
- (c) "Department" means the Department of Social and Family Services;
- (d) "Minister" means the Minister of Social and Family Services;
- (e) "provincial inspector" means a member of the staff of the Department who is designated as a provincial inspector by the Minister;
- (f) "Registrar" means the member of the staff of the Department who is designated as the Registrar of Children's Boarding Homes by the Minister;
- (g) "regulations" means the regulations made under this Act. R.S.O. 1960, c. 54, s. 1; 1962-63, c. 13, s. 1, amended.

Administra-
tion

2. The Minister shall administer and enforce this Act and the regulations. R.S.O. 1960, c. 54, s. 2.

Registrar

3. The Minister shall designate an officer of the Department as Registrar for the purposes of this Act and the regulations. R.S.O. 1960, c. 54, s. 3.

Inspectors

4. The Minister may designate one or more officers of the Department as provincial inspectors for the purposes of this Act and the regulations. R.S.O. 1960, c. 54, s. 4.

Children's
boarding
homes to be
registered

5.—(1) No premises shall be used by any person as a children's boarding home unless the home is registered under this Act.

Offence

(2) Where premises are used as a children's boarding home in contravention of subsection 1, the occupier and all persons concerned in the management of the home are severally guilty of an offence and on summary conviction are liable to a fine of not more than \$25 for every day during which such use is continued. R.S.O. 1960, c. 54, s. 5.

Registration

6.—(1) Upon application in the prescribed form and upon payment of the prescribed fee by the applicant, the Registrar shall record in a register kept by him for the purpose the name and address of the applicant, the name, if any, and address of the children's boarding home, the date of registration and such other particulars as the regulations prescribe.

Idem

(2) Subject to section 8, every registration remains in force for twelve months and, upon application therefor in the prescribed form and upon payment of the prescribed fee by the applicant, is renewable for a period of twelve months.

Offence

(3) Every person who knowingly makes any false statement in an application for registration or for renewal of registration is guilty of an offence and on summary conviction is liable to a fine of not more than \$200. R.S.O. 1960, c. 54, s. 6.

Maximum
number of
children

7.—(1) Before making a registration, the Registrar shall determine the maximum number of children that may be lodged, boarded or cared for at any one time in the premises to which the registration is to apply.

Offence

(2) Where a children's boarding home is used at any time, except in the case of emergency, to lodge, board or care for a greater number of children than the maximum determined by the Registrar under subsection 1, the occupier of the premises and all persons concerned in the management of the home are severally guilty of an offence and on summary conviction are liable to a fine of not more than \$25 for every day during which such use is continued. R.S.O. 1960, c. 54, s. 7.

8.—(1) The registration of a children's boarding home may at any time be cancelled by the Registrar, Cancellation of registration

- (a) if the occupier of the premises or any person concerned in the management of the home has been convicted of an offence against this Act or of any offence punishable by imprisonment; or
- (b) if, in the opinion of the Registrar, the premises are unsanitary or without proper fire protection or the home is operated in a manner contrary to the regulations or in such a manner that the cancellation of the registration is required in the public interest.

(2) Before a registration is cancelled, the Registrar shall give notice to the occupier of the premises of the ground or grounds on which it is proposed to cancel the registration and shall afford him an opportunity of showing cause why the registration should not be cancelled. R.S.O. 1960, c. 54, s. 8. Notice

9.—(1) Every occupier of premises registered under this Act shall keep or cause to be kept a register of children in the home containing, Register of children

- (a) the name, age, sex and former place of abode of each child in the home;
- (b) the name and address of the parents or other persons having charge of each child before he entered the home;
- (c) the date upon which each child entered the home;
- (d) the date upon which each child left the home and the name and address of the person in whose charge he was when he left the home; and
- (e) such other particulars as the regulations prescribe.

(2) The particulars required by subsection 1 shall be entered in the register as soon as practicable after the entry or the leaving, as the case may be, of the child to whom the entry relates. Idem

(3) Every person who fails to comply with this section or who knowingly makes an untrue entry in such a register is guilty of an offence and on summary conviction is liable to a fine of not more than \$200. R.S.O. 1960, c. 54, s. 9. Offence

10. Every person who causes a child to be lodged, boarded or cared for in a children's boarding home that is not registered under this Act and every parent, guardian or other person who is under a legal duty to provide for a child and who permits the child to be lodged, boarded or cared for in such a home is guilty of an offence and on summary conviction is liable to a fine of not more than \$200. R.S.O. 1960, c. 54, s. 10. Placing child in unregistered home, offence

Child in
unregistered
home
deemed
child in
need of
protection
R.S.O. 1970,
c. 64

11. A child who is lodged, boarded or cared for in a children's boarding home that is not registered under this Act shall be deemed to be a child in need of protection within the meaning of and for the purposes of Part II of *The Child Welfare Act*. R.S.O. 1960, c. 54, s. 11, *amended*.

Inspection

12.—(1) Every children's boarding home and its registers and records shall at all times be open to inspection by a provincial inspector.

Provincial
inspector
may enter
premises

(2) Where a provincial inspector believes or suspects that any premises is being used as a children's boarding home without being registered under this Act, he may at any time and from time to time enter and inspect the premises and every part thereof, and every person who prevents or obstructs or attempts to prevent or obstruct any such entry or inspection is guilty of an offence and on summary conviction is liable to a fine of not more than \$200. R.S.O. 1960, c. 54, s. 12.

Expenses of
administra-
tion

13. The moneys required for the purposes of this Act and the regulations are payable out of the moneys appropriated therefor by the Legislature. R.S.O. 1960, c. 54, s. 13, *amended*.

Regulations

14. The Lieutenant Governor in Council may make regulations,

- (a) prescribing additional powers and duties of the Registrar;
 - (b) prescribing additional powers and duties of provincial inspectors;
 - (c) prescribing additional particulars to be recorded in the register mentioned in section 6;
 - (d) prescribing additional particulars to be recorded in the register mentioned in section 9;
 - (e) prescribing the returns that shall be made to the Minister by the occupiers of premises registered under this Act;
 - (f) prescribing rules governing and regulating the operation of homes under this Act;
 - (g) prescribing the fee payable by applicants for registration or renewal of registration under this Act;
 - (h) prescribing forms and providing for their use;
 - (i) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 54, s. 14.
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